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# **international review of the red cross**



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FEBRUARY 1973 - No. 143

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**FRENCH EDITION  
OF THE REVIEW**

The French edition of this Review is issued every month under the title of *Revue Internationale de la Croix-Rouge*. It is, in principle, identical with the English edition and may be obtained under the same conditions.

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**REAFFIRMATION AND DEVELOPMENT  
OF INTERNATIONAL HUMANITARIAN LAW  
APPLICABLE IN ARMED CONFLICTS**

**CONFERENCE OF GOVERNMENT EXPERTS**

*It is a well known fact that the ICRC has embarked upon a new stage in the development of international humanitarian law, in accordance with the formal instructions received from the XXIst International Conference of the Red Cross, and for which purpose it convened preparatory meetings of experts. Following the Conference of Red Cross Experts at The Hague, a Conference of Government Experts was held in Geneva in 1971. The International Review gave a detailed account of the main subjects dealt with by the conference; at the time the ICRC published the report summing up the Conference proceedings.<sup>1</sup>*

*This meeting of government experts, however, was unable to cope with all the subjects it had before it, some of which were not even broached, and the ICRC therefore decided to organize a second session, again preceded by a Conference of Red Cross Experts, which was held in Vienna in March 1972.*

*The second session opened in Geneva on 3 May 1972 and closed early in June. More than four hundred experts were delegated by seventy-seven governments, and four commissions studied the texts of the two Draft Additional Protocols to the 1949 Geneva Conventions. The subjects considered were the following:*

- Protection of the Wounded, the Sick and the Shipwrecked in International Armed Conflicts (Commission I).
- Non-international Armed Conflicts (Commission II).

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<sup>1</sup> Conference of Government Experts on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts. *Report on the Work of the Conference*. ICRC, Geneva, 1971, 121 pages. Sw.Fr. 15.—

- Protection of the Civilian Population against Dangers Resulting from Hostilities; Combatants; Protection of Journalists Engaged in Dangerous Missions (Commission III).
- Measures Intended to Reinforce the Implementation of the Geneva Conventions (Commission IV).

*The International Committee recently published two volumes on the second session of the Conference.<sup>1</sup> A few excerpts from the reports on the work of Commissions II and III are given below. Besides the report on the plenary sittings, Volume II contains all the written proposals submitted by experts, the Draft Additional Protocols submitted by the ICRC, and various legal instruments.*

\* \* \*

## **Commission II**

*Commission II was responsible for studying problems relating to non-international armed conflicts. When the International Committee of the Red Cross submitted for its consideration a Draft Additional Protocol to Article 3 common to the four Geneva Conventions of August 12, 1949, some of the experts wondered whether it might not be advisable to draw up an Additional Protocol which would be applicable to all armed conflicts, whether international or non-international, since the victims' sufferings were the same in either type of conflict. Most of the experts nevertheless pronounced in favour of the two distinct Protocols, so as to take into account the fundamentally differing material and political requirements of the two types of armed conflict.*

2.19 One expert, who considered that it would be wise to draw up two distinct Protocols, gave his opinion as to the purpose and content of Protocol II, as drafted by the ICRC on the basis of his 1971 proposal (CE/Plen/2bis). The purpose of this instrument was to ensure the application of humanitarian law to non-international

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<sup>1</sup> Conference of Government Experts on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts. *Report on the Work of the Conference*, ICRC, Geneva, 1972. Two volumes (209 pages and 116 pages), Sw.Fr. 25 for the two volumes.

armed conflicts in order to reduce suffering. In theory, it was possible to draw a distinction between: (1) the type of conflict which was considered to be of an international character because several States were involved; (2) the conflicts covered by common Article 3, and (3) internal disturbances in which only the authorities in power had a regular army. The difficulty of such distinctions was that, in practice, States refused to recognize that conflicts taking place in their territories fell within categories 1 or 2, considering them rather as belonging to the third category and, therefore, refusing to apply humanitarian law. This attitude was closely related to the question of the treatment to be given to rebel combatants. In the opinion of the expert, the only way of approaching this question would be to consider that humanitarian law should be applied whenever the State resorted to the use of its armed forces against any persons, regardless of the way in which those persons behaved, whether or not they wore uniform, and whether or not they were members of an organization. This last question, concerning the treatment to be given to combatants captured by the adverse party, should be dealt with separately, assuming the unlikely hypothesis that the State would grant prisoner-of-war status, and therefore immunity, to rebel combatants. The question should not be seen as a prior condition to the application of the Protocol, which provided for the protection of the population as a whole. In the opinion of the expert, the only indispensable condition was that laid down in Article 1, namely the active use of the armed forces against persons. But, this condition having been stated, the provisions should not permit any interference in the internal affairs of a State; if they did, States would find it impossible in future to apply the provisions of humanitarian law in all types of non-international armed conflict.

2.20 Several experts considered that the draft Protocol involved establishing a very delicate balance between the requirements of humanitarian law and the imperatives of State security.

2.21 Certain experts were of the opinion that the ideas embodied in the Protocol by the ICRC represented an improvement on common Article 3, which itself had introduced important new ideas in 1949.

2.22 One expert considered that the extension of humanitarian law to non-international armed conflicts implied that these were defined in relation to two extremes, on the one hand, that of riots or internal disturbances and, on the other hand, that of international armed conflicts, it being understood that the question under discussion was not the principle of the application of humanitarian law to non-international armed conflicts, but the methods of application and the scope of the rules.

2.23 Another expert, following a similar line of thought, considered that internal tensions should be categorically excluded and, at the same time, that, in the case of a civil war, if the state of belligerency was recognized, the rules of international armed conflict should be applied, each type of conflict implying corresponding rights and advantages.

*The question of the « field of application » of the Additional Protocol to common Article 3 was the main subject of discussion throughout the proceedings of Commission II. The interdependence of the Protocol's field of application and its content was repeatedly stressed. While some experts declared that they could not pronounce on the field of application so long as the content of the Protocol was not known, others deferred their decision on certain provisions pending settlement of the field of application.*

2.57 It was widely felt that the ICRC document provided a good starting point despite the amendments that, some experts considered, needed to be made.

2.58 Explaining his proposal, CE/COM II/2, that the Protocol be given the same application as common Article 3 of the Geneva Conventions, the author thereof said that such intent was clear from paragraph 1 of the proposal. He then went on to mention the same situation as that described by the ICRC after the term “ in particular ”, the basic protection of the Protocol not requiring any more detailed definition. The purpose of paragraph 3 of the proposal was to grant the ICRC the right to take initiative in the same way as did Article 9 (9/9/10) of the Geneva Conventions,



which in no way trespassed on the principle of the sovereignty of States, as the proposal required the consent of the Parties involved in order to be implemented. An expert raised an objection to the paragraph 3 under discussion, to the effect that the point involved should be removed from Article 1 and considered in connection with the question of supervision.

2.59 One of the experts pointed out that all definitions contained ambiguities; the more they were defined and reaffirmed the more difficult it would become to have the Protocol applied and the easier it would become to avoid applying it. He therefore felt that a formula offering the least number of difficulties, rather than an ideal solution, should be sought. Criticizing certain incongruities in the ICRC definition, including the use of the term "in particular" which, by its very nature, was likely to water down the conflicts mentioned in common Article 3, the expert submitted a proposal of his own (CE/COM II/1). This proposal suggested that the definition be separated from Article 3, common to the four Conventions, and that the Protocol should become complete unto itself and should apply to all armed conflicts to which Article 2 was not applicable. The wording of the proposal was shown to be very close to that of the ICRC text, except however for the removal of the term "of a collective nature" which, in the basic draft, qualified hostilities. Paragraph 2 of the proposal explicitly excluded isolated incidents or situations of internal disturbance or tension, thus meeting with the arguments of the partisans of the idea of duration. Moreover, by not detracting from the application of common Article 3, the draft was attempting to put the Protocol on the same footing as the 1949 Conventions. The fourth paragraph of the proposal stipulated that the application of the Protocol would not affect the legal status of the Parties to the conflict. Finally, a new provision, to be included in Chapter I, stressed the mutual obligations of Contracting Parties to respect the Protocol and the obligation of all Parties to an armed conflict, to which the Protocol would be applicable, to ensure that the conditions thereof were respected. Referring to Article 2 on the personal field of application as drafted by the ICRC, he drew attention to the question of the territorial scope of application of the Protocol and considered it inconceivable that, in the case of a disturbance in one specific

part of a territory (in a town, for instance) the whole territory of the State should be subjected to the application of the Protocol.

2.60 Another expert was clearly in favour of the suggestion that the Protocol be dissociated from common Article 3, for he felt that it would be preferable to let Article 3 continue to exist in its own right as specified in the 1949 Conventions. Article 3, which imposed a minimum of humanity, should be applicable even in cases of riots and domestic tension. Moreover, the separation of the Protocol from Article 3 would make it possible to avoid weakening the scope of Article 3 when laying down precise rules on conflicts.

2.61 The question was raised as to whether it might not be as well to reconsider the title of the Protocol and to treat it as a Fifth Geneva Convention.

2.62 Some experts felt that the field of application of the Protocol was based on common Article 3 which it simply supplemented, and that it was inadmissible that the field of application of the two instruments should be separated.

2.63 The author of proposal CE/COM II/5 recalled that the purpose of Article 1 of the ICRC text was to elaborate and supplement the application of common Article 3 and not to restrict the application of the Protocol to the conflicts to which that Article was applicable. The purpose of the Conference was, in fact, "to reaffirm and develop humanitarian law applicable in armed conflicts" and, although reaffirmation might prove somewhat difficult in certain matters relating to the law of The Hague, it was essential where the law of Geneva, applicable to armed conflicts not international in character, was concerned. The concept of sovereignty and non-interference, a quite legitimate notion, had frequently hindered the specific application of common Article 3. On those grounds, he asked that the term "in particular" be struck out. Furthermore, he struck out of his own proposal the territorial reference, envisaging the application of the instrument even on the high seas, and the idea of hostilities "of a collective nature" which might prevent the application of the Protocol to serious though sporadic cases of hostilities. However, he did maintain, as a necessary condition for the application of the Protocol, the idea of organized armed forces

under the command of a responsible authority, in the hope that such an idea would not be interpreted too narrowly. He considered, moreover, that it would not be wise to include an explicit provision in Article 1 of Protocol II, to the effect that the Protocol should not be applied to isolated incidents and situations of internal tension as, there again, he feared that Governments might find a loophole to limit the application of the Protocol. His proposal was aimed at creating a protocol with a broad scope, applicable to all types of *hostilities*—the latter term not being defined—between organized armed forces commanded by responsible authorities (international law not being applicable); such a proposal, implying a very wide application of the Protocol, would have to be very limited in its strictly legal content and should contain only humanitarian provisions.

2.64 The various proposals and the contradictory comments evoked thereby created a general feeling that the final decisions to be taken depended on two basic hypotheses. Either the definition chosen could allow for a wide field of application, in which case the rules for protection would no doubt be more limited, or the definition could be narrower, in which case greater latitude might be allowed in applying the protection.

### **Commission III**

*Commission III was responsible, inter alia, for questions relating to the protection of the civilian population. Here the first question that arose was that of defining the civilian population. The International Committee of the Red Cross had submitted the following proposal to the experts:*

#### **Article 41.—Definition of the civilian population**

1. Any person who is not a member of the armed forces and who, moreover, does not take a direct part in hostilities is considered to be a civilian.
2. The civilian population comprises all civilians fulfilling the conditions stipulated in the foregoing paragraph.

3. Proposal I: The presence, within the civilian population, of individuals who do not conform to the definition given in paragraph 1, does not prevent the civilian population from being considered as such, reservation being made for Articles 45 (paragraph 5), 49, 50 and 51 of the present Protocol.

Proposal II: The presence, within the civilian population, of individual combatants, does not prevent the civilian population from being considered as such, reservation being made for Articles 45 (paragraph 5), 49, 50 and 51 of the present Protocol.

4. In the case of doubt as to their civilian character, the persons mentioned in paragraph 1 shall be presumed as belonging to the civilian population.

3.116 All the experts who were in favour of the idea of a definition advocated a negative formula, the civilian population being defined as those persons who did not take part in hostilities. One expert felt that the original proposal met the criterion of precision, both in its form and in its substance, and that it clearly reflected the notion of sufficient causality set out in the ICRC Commentary. In the opinion of this expert, the expression "take a direct part in hostilities" was adequate, but it should perhaps be illustrated by some example: spying, recruitment, propaganda, the transport of arms and of military personnel. The expression "take part in the fighting or in military operations" was too narrow and the formula "participate in the military effort" too broad. The criterion to be used should also be applicable in guerrilla warfare, it being understood that the civilian population might play an indirect role by providing aid, medical care or food supplies to protected persons, as allowed under the law in force and as provided for in Article 20 of Draft Protocol I.

*In order to ensure that the living conditions of the civilian population are bearable, objects of a civilian character should be protected. This definition of objects of a civilian character is closely connected with that of military objectives.*

*The ICRC had decided to define the two concepts, since two explanations were better than one, a view which was supported by some of the experts. Others, fearing that the juxtaposition of the*

*two definitions might establish intermediate objects whose position would be ambiguous, proposed that one or the other be deleted.*

3.128 Three experts proposed simply the deletion of the article on objects of a civilian character (CE/COM III/PC 22, 29 and 51) since, in their view, the concept of such objects flowed indirectly from that of military objectives (see below, Article 43). They declared that that course would be more favourable to the civilian population, for a positive definition of objects of a civilian character ran the risk of being either incomplete or open to a restrictive interpretation. Another expert put forward the idea of an expressly negative definition of objects of a civilian character as follows:

“ All objects which do not directly produce weapons, military equipment or means of combat, or are not directly and immediately employed by the armed forces are considered to be non-military objects ” (CE/COM III/PC 44).

3.129 Others felt that it would be preferable to strengthen the definition of objects of a civilian character since only that aspect was relevant to the purpose and context of the Conference. In order to restrict the list of military objectives, what was necessary, they believed, was to make the list in the present text of Article 42 as exhaustive as possible; at present it was purely illustrative. The criteria of nature and use were generally considered to be appropriate. An amendment was submitted expanding the ICRC draft as follows:

“ Objects which by their nature and use are indispensable for the survival of the civilian population comprise, for example, crops, provisions and foodstuffs, as well as facilities and installations for their production and storage, drinking water reserve supplies, dwellings, buildings and objects designed for the shelter of the civilian population, for cultural purposes, for education or social and health services ” (CE/COM III/PC 34).

An amendment not enumerating such objects was also submitted:

“ Objects reputed to be non-military are those necessarily or essentially designed for and used predominantly by civilians ” (CE/COM III/PC 4).

*It is not enough to define the civilian population; it must also be respected. The ICRC therefore prepared a draft article on respect for the civilian population, reading thus:*

**Article 45.—Respect for the civilian population**

1. The civilian population as such, as well as individual civilians, shall never be made the object of attack.
2. In particular, terrorization attacks shall be prohibited.
3. Attacks which, by their nature, are launched against civilians and military objectives indiscriminately shall be prohibited.
4. Attacks directed against the civilian population or individual civilians by way of reprisals shall be prohibited.
5. Nevertheless, civilians who are within a military objective run the risks consequent upon any attack launched against this objective.

3.154 The suggestions made in relation to Article 45 might be grouped into three categories: the first concerned the actual concept of the article; the second contained two sets of proposals with regard to paragraphs 2, 3 and 4, to widen their scope, or, on the contrary, to narrow it or delete the paragraphs; the third category referred to paragraph 5, proposing its deletion (this seemed to be the dominant view), its insertion elsewhere, or its retention.

3.155 A few experts thought that the principle contained in paragraph 1 would be sufficient and that the explicit prohibitions in paragraphs 2, 3 and 4 should be deleted (CE/COM III/PC 6 and 29) or, in the case of two experts, that paragraph 3 at least be omitted (CE/COM III/PC 50), as this paragraph aimed ultimately to forbid, indirectly, weapons the study of which was not within the Commission's competence.

3.156 Other experts proposed strengthening paragraphs 2, 3 and 4 (which should have been sub-paragraphs of paragraph 1), for example, by adding in paragraph 3 a prohibition on the bombardment of zones (CE/COM III/PC 37), an idea contained in Article 50(2) of Draft Protocol I (the same experts considered that the rest of this Article 50 should be omitted in the case of paragraph 1, or completely redrafted, in the case of paragraph 3). Two further notions were put forward for strengthening this provision. One

was to forbid attacks of a character which would destroy or disturb the natural human environment, the other, to extend the prohibition contained in the existing regulations (Article 49 of the Fourth Geneva Convention) concerning the evacuation or forced removal of the civilian population (CE/COM III/PC 33).

\* \* \*

*In conclusion, we quote from the Report some of the experts' opinions as to future prospects:*

5.47 In the opinion of a large number of experts, work had reached a stage which warranted the convening of a diplomatic conference. In view of the fact that the countless amendments and proposals submitted to the Conference had not been discussed in sufficient detail, and that it would therefore be very difficult for the ICRC to find a common denominator, some experts felt that some further meetings of experts should be held before a diplomatic conference was convened. The opinion was voiced that a diplomatic conference should be held not later than 1974, in order that the present impetus might not be checked and the efforts made so far not founder in indifference or oblivion. The Report on the Conference should therefore be distributed to Governments at an early date.

The Swiss expert declared that the Swiss Government was prepared to convene the Diplomatic Conference and to make preparations for that gathering.

5.48 Several experts spoke about the way in which future texts should, in their opinion, be submitted. Some of them expressed the opinion that the ICRC should draw up clear and unequivocal texts with very brief comments.

Special stress was laid on the need for precise definitions. Expressions such as "combat zone" and "military objective" should be more accurately defined. Some experts suggested that the ICRC submit various options. One expert, however, thought it preferable for the ICRC itself to make a choice, which would not necessarily be the outcome of the different opinions. Rather than a compromise solution, it should strive for a common denominator acceptable

to all Parties. The Diplomatic Conference itself would seek the necessary compromise solutions. Attention was also drawn to the need to reconcile the philosophical and practical aspects of international humanitarian law applicable in armed conflicts. In this context, an expert pointed out that it would be desirable to introduce into the Draft Protocols which were to be prepared a provision based on the Martens clause. It was also necessary to bear in mind the causes underlying armed conflicts and to consider the relative application of law in some countries. An expert urged the need for the ICRC to elicit genuinely progressive elements from the Conference and to reject certain trends to the effect that in present-day armed conflicts the civilian population as such would no longer exist. The ICRC should also endeavour to overcome certain shortcomings that still existed, such as the inadequacy of the protection and marking of hospital ships, and to find flexible solutions ensuring maximum protection. Future rules should constitute neither a law for the minority nor a law for the majority, so that they might be acceptable to virtually all States. An expert pointed out that in developing international humanitarian law applicable in armed conflicts one had to bear in mind the means rather than the aims of those conflicts, and that special provisions governing armed conflicts springing from special motives would be unacceptable. It was recalled that neither the principles of reciprocity and of the balance and equality of rights and obligations nor the reasons underlying an armed conflict had any place in international humanitarian law, which had to be in force for all and to be applied without discrimination. The same expert further advised against any declarations containing general or commonplace sentiments, and therefore of no practical effect.

5.49 Several experts recommended that, in drawing up future texts, the ICRC should bear in mind the principles of respect for sovereignty and of non-interference, while others deplored their insistence and urged that humanitarian considerations should come before respect for the sovereignty of States.

5.50 Some experts drew attention to the fact that the work of the United Nations and the ICRC was becoming increasingly interdependent; one expert said that final responsibility regarding



the development of international humanitarian law applicable in armed conflicts should rest with the ICRC.

5.51 An expert expressed the wish that the goodwill which the experts had shown during the two sessions of the Conference might continue to prevail in the work which lay ahead.

5.52 Referring to the Conference generally, an expert said that his delegation had tried to show facts as they were, even at the risk of being unpopular. This method served the ICRC better than the practice of making vague statements or concealing facts. According to the expert, all those taking part in the Conference pursued the same aim: that of strengthening the protection due to the victims of armed conflicts. The reason for differing opinions lay not in the objective pursued but in the different ways of achieving it. Differences arose from historical developments and the political, social, military and, above all, psychological experience of States. Thus the problem of civil protection was seen from a different standpoint according to whether or not States had recently experienced armed conflict. It was essential that an effort be made to understand the position of other States and find a solution to meet the needs of one and all.

5.53 According to another expert, the Conference had provided very useful exchanges on legal as well as military and technical problems. It had been more difficult to find a common denominator in the matter of drawing up new rules for limiting human suffering. There would always be different views on concepts such as "necessary or tolerable suffering" in armed conflict. There had been exchanges of ideas in the course of which different interests had confronted each other. Some States wished to retain their freedom of action because they enjoyed a certain advantage, while others attempted to limit that freedom of action. Military interests had often clashed with humanitarian considerations, and those who upheld humanitarian interests were deemed unrealistic. The expert, however, considered that realism lay, above all, in an increased capacity to understand the sufferings of victims of armed conflicts.

# INTERNATIONAL COMMITTEE OF THE RED CROSS

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## *EXTERNAL ACTIVITIES*

### **Mozambique**

Between 26 November and 17 December 1972, an ICRC delegate saw almost 1,800 persons who, for political reasons, were held in eleven detention centres, namely: Machava, Ponta Mahone, Nampula, Porto Amelia, Ibo, Vila Cabral, Tete No. I, Tete No. II, Beira, Quelimane and Nicoadala. In some of these places he distributed comforts and in all he was able to talk in private with the detainees of his choice.

During his stay in Lourenço Marques, the ICRC delegate was received by the Governor-General of Mozambique, Ing. Pimentel dos Santos. He also had contacts with the Provincial Governors and several senior officers in the armed forces. With regard to Red Cross activities, the ICRC delegate had talks with the provincial branch chairman of the Portuguese Red Cross.

### **Rhodesia**

On 17 December 1972 the ICRC delegate went to Rhodesia where he stayed until 23 December, visiting 90 persons detained under the emergency regulations in the prisons of Salisbury, Marandellas, Wha Wha, Gwelo and Sengwe. He was able to interview detainees of his own choice without witnesses. Comforts are shortly to be distributed in four of these prisons.

The delegate conferred with the Minister of Justice and Law and Order, to whom he suggested certain improvements in detention conditions. In addition, he met representatives of the Ministry of Foreign Affairs and of the Prisons Department. He had discussions also with the leaders of the National Red Cross.

## Nicaragua

After the earthquake which struck Managua on the night of 22-23 December 1972, the ICRC made its telecommunications network and operators available to the League of Red Cross Societies. It also offered the Nicaraguan Red Cross the assistance of its Central Tracing Agency for the setting up of a missing persons tracing service.

On 24 December the ICRC in Geneva made its first radio contact with an amateur radio enthusiast in Managua. On 2 January an ICRC radio operator arrived in Nicaragua and only three days later, from the newly installed Red Cross radio station, the President of the National Society thanked the ICRC for its aid, communication having been one of the major problems facing the Red Cross, as the station which only last November had been set up in the National Society's headquarters was destroyed at the same time as Managua itself.

On 5 January also, the Nicaraguan Red Cross opened an office for tracing missing persons and the Society and the ICRC are now in regular contact three times a day for the transmission of information and messages.

Through the ICRC, the European Economic Community (EEC) has offered to supply 200 tons of milk powder for the victims of the disaster.

## Venezuela

The delegate and doctor-delegate of the ICRC having completed their round of visits to prisons in several South American countries, begun at the end of September 1972 and mentioned several times by *International Review*, made a brief stop at Caracas, where the headquarters of the ICRC regional delegation in Latin America is established, in order to visit several places of detention there, and returned to Switzerland on 19 December.

## **Asian Sub-Continent**

On 21 December the ICRC repatriated 95 Afghan citizens from Bangladesh. They had been stranded in Dacca since the outbreak of hostilities in December 1971, and were airlifted by the DC-6 aircraft which the Swiss Government had lent the ICRC until the end of 1972.

## **Middle East**

### **Visits to prisoner of war**

*In Israel*, ICRC delegates visited the Arab prisoners of war in the Sarafand military camp on 14 December, and again on 31 December 1972. The total number of Arab prisoners of war at Sarafand, after three of them were repatriated, now stands at 109 (58 Egyptians, 41 Syrians and 10 Lebanese). The 5 Syrian officers held in Israel were visited by ICRC delegates on 17 December 1972 and 7 January 1973.

*In Egypt*, the 10 Israeli prisoners of war held in the Abassieh military prison were visited on 12 and 28 December 1972.

*In Syria*, the ICRC delegate visited the 3 Israeli prisoners of war on 16 December 1972 and 7 January 1973.

### **Repatriation of prisoners of war**

Three sick Egyptian prisoners of war have been released by Israel, under Article 110 of the Third Geneva Convention of 1949. They were repatriated across the Suez Canal on 27 December 1972 under ICRC auspices.

### **Family reuniting**

On 3 January 1973, a family reuniting operation took place under the auspices of the ICRC at El Qantara, when 49 persons crossed the Suez Canal from east to west and 71 persons, including 9 doctors, crossed over to the east bank.

**Yemen Arab Republic**

From 17 to 19 December 1972, the ICRC delegate in this country visited the Raded prison at Sana'a, where he saw 243 detainees, including seven South Yemeni prisoners of war. Various relief supplies were distributed and some forty prisoners were medically examined.

**People's Democratic Republic of Yemen**

The ICRC delegate in the People's Democratic Republic of Yemen visited 34 North Yemeni prisoners of war on 7 January 1973. He handed them parcels which had been made up by the Red Crescent Society now being formed in the Yemen Arab Republic.

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*IN GENEVA***Israeli Foreign Minister's visit**

During his visit to Switzerland, the Israeli Minister for Foreign Affairs, Mr. Abba Eban, went on 29 January 1973 to the headquarters of the International Committee of the Red Cross in Geneva.

Mr. Eban, who was accompanied by Mr. Ben Tsur, Director of the Ministry secretariat, and Mr. S. Rosenne, Permanent Israeli Representative in Geneva, was welcomed by Mr. Marcel A. Naville, ICRC President, together with members of the Committee and of the Directorate.

The discussions were concentrated on humanitarian problems in the Middle East.

## **Government Experts Meeting**

A small number of government experts from twenty countries gathered in Geneva at the International Committee of the Red Cross for meetings from 15 to 19 January 1973. The purpose was to lend assistance to the ICRC in deciding upon appropriate texts from among a number of different proposals submitted at the second session of the Conference of Government Experts in May and June 1972, relating to certain important points concerning the Draft Additional Protocols to the Geneva Conventions. It is hoped in this way to facilitate the drafting of texts that will receive general approval. It is likely that this advisory group of experts will be holding a further session from 5 to 9 March 1973.

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## **Financing the International Committee**

To cover its operational expenditure, the International Committee of the Red Cross receives regular contributions from the Governments which signed the Geneva Conventions and from National Red Cross Societies, besides which there are donations and legacies. It also has the income yielded by the management of its funds.

Government participation in the financing of the ICRC is based on Resolution XI of the 1949 Diplomatic Conference in Geneva, which reads thus: "Whereas the Geneva Conventions require the International Committee of the Red Cross to be ready at all times and in all circumstances to fulfil the humanitarian tasks entrusted to it by these Conventions, the Conference recognizes the necessity of providing regular financial support for the International Committee of the Red Cross".

The Swiss Government makes larger contributions than any other. From five hundred thousand francs per year for 1950 to 1964, its annual contribution rose to one million francs from 1965 to 1967, and then to 2.5 million from 1968 to 1971. In addition to its basic contribution, it has made various extraordinary contributions, according to the commitments the ICRC has had to assume.

As from 1972, therefore, a new system of contributions has been instituted under a Swiss Federal Order of 9 March 1972.

This system provides:

- (a) for an annual contribution of 7.5 million francs instead of the former 2.5 million;
- (b) for possible supplementary annual contributions of up to 5 million, to cover expenditure of a temporary nature.

## INTERNATIONAL COMMITTEE

If it is to fulfil the humanitarian duties assigned to it by the Geneva Conventions, the ICRC must in some circumstances call for additional staff, recruited for a limited period which may range from three months to one year, be extended or curtailed.

This staff, composed mainly of temporary delegates, is recruited in business, medical or university circles, and makes an appreciable effort in favour of the ICRC.

This procedure was chosen in order to avoid the permanent maintenance of a heavy administrative machinery in Geneva. It is being applied for an initial period of four years, from 1972 to 1975, in accordance with the provisions of the Federal Order referred to above.

All operational expenditure is thus covered by clearly specified receipts in no way connected with any donations made for the relief of victims.

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Under the present distribution of work between Red Cross bodies, the ICRC does not take action in cases of natural disaster. This is the field of National Red Cross Societies, whose activities in such circumstances are co-ordinated by the League of Red Cross Societies.

The ICRC acts mainly in cases of international conflict, civil war or internal disturbances. The relief it is called upon to supply in such cases is partly financed by the yearly collection in Switzerland from 25 August to 25 September.

The proceeds of the collection are entirely allocated to relief programmes, and no deduction is made for any overhead expenditure. Yet the sums collected do not cover all such programmes. This is where donations and legacies come in, made for specific purposes such as the Vietnam conflict, aid to Bengalis or aid to the victims of the Middle East conflict.

The strict use made of the funds collected is one of the basic principles of the ICRC's financial administration. The application of this principle may, in extreme cases, go as far as a refund where the ICRC is unable to fulfil the donor's wishes.



Finally, there are the occasional large-scale relief actions in major conflicts involving expenditure: Nigeria (1967-1970), Jordan (1970), Bangladesh (1971-1972), etc. So large is ICRC commitment in such situations that *ad hoc* financing is imperative. A plan of action and a budget are then submitted to Governments and National Red Cross Societies with the request that they ensure financing.

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## **El Arish – Mecca**

### **through the Red Cross**

*During a mission to the Middle East, Miss Françoise Bory, ICRC press attaché, went to the occupied territory of Gaza-Sinai. Here she describes an ICRC action about which hardly anything is known: that of opening the road to Mecca for pilgrims.*

It is the duty of every practising Muslim to go on a pilgrimage to one of the five places sacred to his religion at least once in his lifetime.

It is no easy matter for the inhabitants of Gaza-Sinai occupied territory to fulfil that desire. They hold Egyptian identity papers and therefore require an official permit from the occupation authorities before they can go to an Arab country.

They therefore turn to the International Committee of the Red Cross. During the month of December, 721 persons anxious to go on a pilgrimage to Mecca applied to the ICRC delegation in Gaza, through the local chapter at El Arish. The ICRC delegation promptly contacted the Israeli authorities and the ICRC delegation in Cairo with a view to organizing the trip for them.

## INTERNATIONAL COMMITTEE

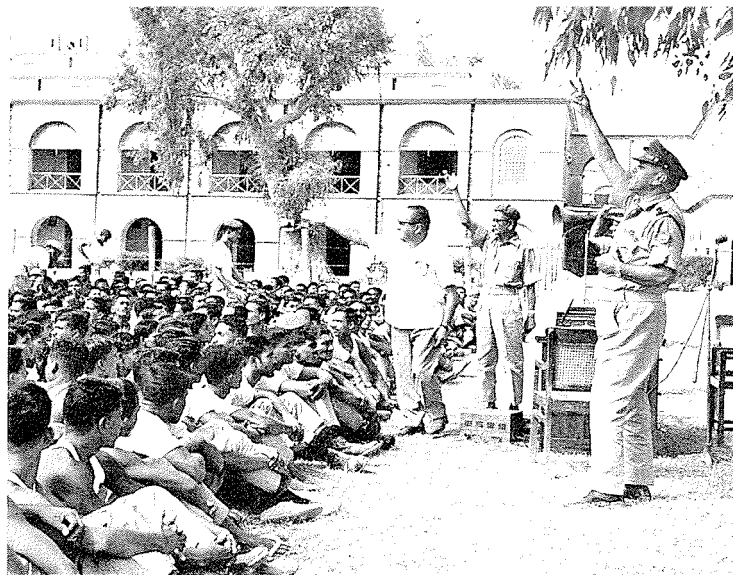
The Egyptian authorities declared their readiness to allow about a hundred to pass through their territory at the beginning of January 1973, so on 4 January ninety-one pilgrims crossed the Suez Canal. An alternative solution had to be found quickly for the remaining pilgrims. A second crossing between occupied territory and the Arab countries is the Allenby Bridge, linking the two banks of the River Jordan north-east of Jerusalem. The delegates at Gaza communicated with their colleagues in Amman, who asked the competent authorities to allow 630 pilgrims to cross Jordanian territory.

An affirmative reply came early in December. The ICRC contacted a travel agency with branches in occupied territory at El Arish, in Jordan and in Saudi Arabia. The necessary formalities and preparations for the journey took some weeks to complete, and in the morning of 31 December a column of sixteen coaches left El Arish, on the edge of the Sinai desert, for the Allenby Bridge. There, in the presence of the ICRC delegates, they completed the first lap of the journey to Mecca.<sup>1</sup>

The trip made by the 630 pilgrims took four days, but to realize what that meant one should have seen the vehicles in which they were seated and travelled along those roads in the Middle East. Imagine some old buses, with engines coughing and coachwork wobbling from side to side, careering along the dusty roads, surrounded by dense traffic, at 50 miles an hour. Inside the buses, amidst their countless bundles, the pilgrims were calm and collected. Within a month each one of them would be returning to El Arish a *Hadj*, and that was what he would thenceforth be called, as a sign of veneration for one who had devoted part of his life to Allah.

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<sup>1</sup> *Plate.*



## PAKISTAN

ICRC delegates visiting Bengali military personnel in Pre-Repatriation Centres.

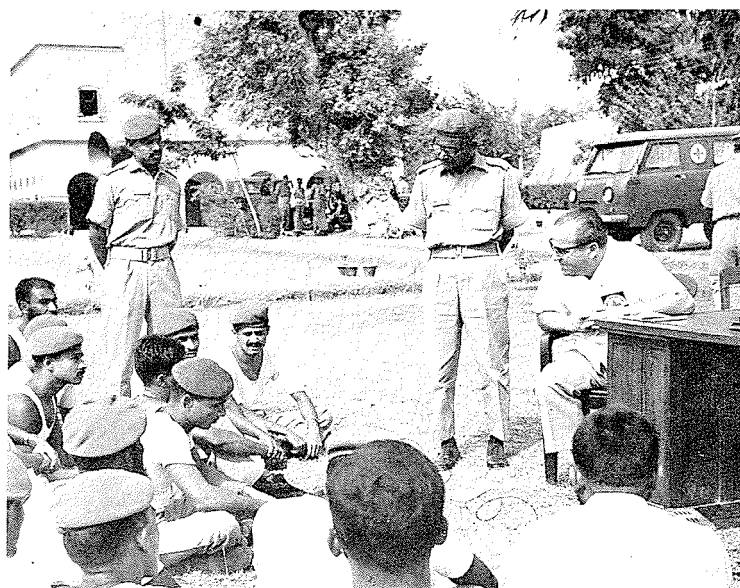




Photo F. Bory/ICRC

Under ICRC auspices, sixteen coaches took pilgrims from the Sinai to Mecca.

Accompanied by the Director of the Egyptian Red Crescent (*first on left*), the ICRC delegate in Egypt (*second from left*) presents the school textbook "The Red Crescent and My Country" to the pupils of a school in Cairo.



## IN THE RED CROSS WORLD

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### **LATIN AMERICAN RED CROSS REGIONAL TRAINING INSTITUTE**

The second seminar in Latin America, one which was dedicated to the memory of William H. S. Dabney, late Under-Secretary General of the League, followed the meeting of the Red Cross Regional Training Institute held in Mexico in 1971.<sup>1</sup> It was jointly organized by the League of Red Cross Societies and the Colombian Red Cross and was designed to meet the National Societies' need for trained staff. The meeting was held at Fusagasugá, near Bogotá, Colombia, from 6 to 25 November 1972. The Director was Dr. Guillermo Rueda Montaña, Vice-President of the Mexican Red Cross. The League was represented by Miss Y. Hentsch, Under-Secretary General; Mr. J. Gómez Ruiz, in charge of the Latin American sector; Mr. J. Vittani, of the Relief Bureau; Mr. R. Bermúdez, Delegate for Latin America, and Mr. M. Miracle of the American National Red Cross. The ICRC was represented by Mr. E. Leemann, Regional Delegate.

The meeting was attended by members of the Red Cross Societies in the following countries: Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Peru, Spain, Uruguay and Venezuela. Their active participation and the unflagging interest taken in the theoretical and practical work carried out showed the value of such meetings, responding as they do to a general need in a rapidly changing continent. Group work leads to a better understanding of present development and ensures greater receptivity to new ideas regarding organization and new programmes for Red Cross action.

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<sup>1</sup> See *International Review*, November 1971.

## IN THE RED CROSS WORLD

Each day, a lecture on a given problem was followed by a discussion within three working groups, in which two representatives of the international institutions co-operated. The findings and suggestions were submitted to plenary sittings, and in the ensuing deliberations guidelines emerged on subjects such as:

*Methods of group work, assessment techniques.*

*Cultural aspect and importance of the environment.*

*The Red Cross and its projects for the welfare of the community.*

*Plans for a blood donor service.*

*Red Cross Youth.*

*Disaster relief.*

*The Red Cross and nursing care.*

After a study of the means and aims that would make for the most effective organization of a National Red Cross Society, each delegation submitted a statement on the work and internal structure of its Society. The ICRC delegate submitted statements on the ICRC and its mission, the Geneva Conventions, the development of international humanitarian law, and ICRC radiocommunications. The statement on the Geneva Conventions was discussed by the groups, and a number of interesting questions were dealt with at the following plenary sitting.

The seminar closed with a preliminary assessment by the participants themselves of the results so far achieved, by referring to the main subjects from which a number of training institutes in different parts of the world drew inspiration: organizational methods and structure of a National Society, International Red Cross, the Red Cross and international organizations, the Red Cross and relief, the Red Cross and community welfare, and social problems.

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**REGIONAL TRAINING INSTITUTE FOR NATIONAL  
RED CROSS AND RED CRESCENT SOCIETIES OF  
NORTH AFRICA AND THE MIDDLE EAST**

From 15 November to 5 December 1972, the Regional Training Institute for National Red Cross and Red Crescent Societies of North Africa and the Middle East held its first session in Tunis. It was attended by thirty-one representatives of the National Societies of the following countries: Algeria, Egypt, Jordan, Lebanon, Mauritania, Morocco, Syria and Tunisia. The Society representatives, who included secretaries general and national officials of various operational services, met to consider how a Red Cross or Red Crescent Society could, in the humanitarian field, meet the needs of national communities in full process of development. The Institute was made welcome by the Tunisian Red Crescent whose President, Dr. Fourati, conducted the proceedings jointly with Mr. A. Schmid, League representative, and Mr. Rabah, Professor at the University of Tunis.

The delegates attended intensive courses given by a number of Tunisian leaders (sociologists, economists and managerial experts) on subjects such as the socio-psychological study of the human needs of national communities, different methods of management, specific problems of humanitarian action, problems of information, and Red Cross structures. Educational methods enabling National Society representatives to take an active part in the courses ensured the best possible results. Two and a half days were set aside for purely Red Cross training, one and a half of which were devoted to lectures and demonstrations on the Geneva Conventions, the activities of the ICRC and other international Red Cross bodies, and their combined operations.

The International Committee was represented by Mr. F. Payot, Regional Delegate for North Africa, who took an active part in the life of the Institute during the "Red Cross days" and at other times, when he dealt with themes of international humanitarian law, the International Red Cross, and the Red Cross and

## IN THE RED CROSS WORLD

disaster relief. He analysed the Geneva Conventions and led a discussion on ICRC operations, followed by practical exercises which gave the participants a better understanding of the difficulties which ICRC delegates had to contend with in cases of conflict.

The League representative in turn led a discussion which shed light on the League's functions and responsibilities, particularly regarding the co-ordination of international relief in cases of natural disaster, the development of National Societies, and Red Cross representation in international institutions.

Altogether, the participants showed keen interest in the training received. They carefully followed the lectures which made them aware of the constant need for re-adjustment by those who want to serve the Red Cross ideal in the present-day world.

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### **REGIONAL TRAINING INSTITUTE FOR WEST AFRICAN NATIONAL SOCIETIES**

With the co-operation of the Nigerian Red Cross Society, the League of Red Cross Societies held a Red Cross Youth Regional Leadership seminar for English-speaking National Societies of West Africa, at Ibadan, Nigeria, from 1 to 20 December 1972. The League was represented by Mr. D. Andreassen and Miss J. Brown, Assistant Directors of the League's Youth Bureau, while the ICRC was represented by Mlle F. Perret, Delegate. The seminar was held in the context of the training institutes established by the League for the training of experts to assume responsibilities within National Societies and promote the Red Cross idea in the social, economic and political life of their countries. One of the aims pursued was the training of cadres for youth sections in West African Red Cross Societies.

The Ibadan meeting was attended by twenty-four delegates selected from among leaders of Red Cross Youth sections in the following six countries: Cameroon, the Gambia, Ghana, Liberia, Nigeria and Sierra Leone. The programme, which included theore-



tical courses and a great many practical exercises, called for active participation by all delegates, who for a whole week went to a village where they carried out operations for the benefit of the inhabitants.

Since the Institute had not provided for any specific course on the Red Cross, the League and ICRC representatives made appropriate use of the Red Cross material which had been made available for the occasion. In addition to the League's posters, from the first day of the meeting the ICRC's sixteen posters and three notices concerning the Geneva Conventions were affixed in the halls where the courses were to be held. The participants were also supplied with a number of documents on the International Red Cross and saw the film "Red Cross on White Field".

The quality of the courses and the delegates' regular attendance made for the seminar's complete success and showed the value of the practical and theoretical work carried out.

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### **RED CROSS MEDICAL AND SURGICAL ACTIVITIES IN RELIEF OPERATIONS**

The Swedish Red Cross organized in November 1972 at Stockholm a conference of the Scandinavian National Societies, the League and the ICRC.<sup>1</sup> Its main purpose was to examine medical and surgical activities, at national and international level, in Red Cross relief operations. Among the different problems considered were the following:

*Recruitment and training of delegates.*—A majority of participants said they wanted to step up the recruitment of delegates in their own countries, and requested the international Red Cross organizations to take steps to train delegates in international relief work and to ensure more efficient co-ordination in dealing with the practical problems involved.

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<sup>1</sup> Medical and Surgical Activities in Humanitarian Relief Works with the Red Cross—International Organization and Leadership and Preparation on National Level.

## IN THE RED CROSS WORLD

*Integration of National Society medical teams in joint actions.*—Several suggestions were put forward, including the following: this type of operation should have a strong central directorate; the international institutions of the Red Cross should clearly define responsibilities at all levels and draw up clear-cut plans; co-ordination, at Geneva and in the field, and liaison between the two, should be better than it is.

*Technical questions.*—Action should be taken to standardize equipment and data concerning pharmaceutical products.

*Research and development.*—National Society representatives suggested that a technical bureau should be set up at Geneva, that Red Cross Societies should keep in regular contact with each other and that the ICRC and League should as soon as possible define the exact role this newly-created bureau would be called upon to play.

The Swedish Red Cross undertook to draw up a report on the work carried out at the meeting and the suggestions put forward.

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## Philippines

The Philippine National Red Cross was inaugurated as a national organization on 15 April 1947. To commemorate the silver jubilee of that event, celebrations were held last year, and a special two-volume publication was issued by the Society. We are happy to pay tribute to the appearance of this book.

The first volume is entitled *Achievement and Progress*. In about 200 pages of text accompanied by many illustrations, it gives, first, a chronicle of the growth of the Philippine National Red Cross from 1899 and of its activities today in various fields (Nursing Service; Red Cross Youth; Disaster Preparedness and Relief Service; Safety Services; Blood Program; Home-Military Welfare Service; International Relations; Volunteer Service) and, in its second part, a record of the activities of its 71 provincial and city chapters situated strategically in various points of the country, all

performing a variety of tasks, a list of which fully demonstrates their great usefulness.

The book is an act of faith in the Red Cross and in its future in the Philippines. It is thus that it is seen by Mr. F.E.V. Sison, Chairman of the Board of Governors of the Philippine National Red Cross: "As we complete a quarter of century of service to humankind, it is with firm resolve that all of us behind this noble organization shall reaffirm our commitments to mitigate human suffering, promote health and save lives in the standard of service for which the Red Cross is known the world over."

The second volume, entitled *The Conscience of the Nation*, was written by Mr. Alfonso J. Aluit and first published in 1963. Its second edition is a volume of some 700 pages, brought up to date by the addition of new material including a chapter containing an account of the Philippine National Red Cross from 1963 to 1972 and some valuable information on its growth in many different fields ranging from disaster relief action (The Red Cross in Disaster Relief) to blood transfusion campaigns (Blood Program) and social welfare (Red Cross Social Services). The book is exceedingly well documented and it shows that, in its own country, the National Red Cross Society is the instrument of the national conscience and a means for the latter to express itself. It is also the living expression of the hopes and ambitions for well-being that every person has, not only for himself and his kin, but for all men and women throughout the whole world.

The first part of this book deals with the precursors of the Red Cross movement, its origins, the International Red Cross, with a large section devoted to the life and work of Clara Barton. Part II relates the early history of the Philippine National Red Cross from the close of the nineteenth century, its growth and achievements and its official recognition by the ICRC in 1947. The third part gives a broad picture of current activities; here, the author points out the significance of the tasks performed by the Philippine National Red Cross, the growing efficiency of its work year after year and its dedication to a lofty ideal of service to others.

DISSEMINATION OF  
THE GENEVA CONVENTIONS

BELGIUM

*The Belgian Red Cross has informed us that a number of dissertations, essays, term papers and various other studies, all relating to the Red Cross, were presented last year by Belgian students in Belgian, French and Zairian universities and schools. We reproduce below the list, remitted to us by the Belgian Red Cross, of some of the titles of these studies as we consider that a publication promoting the spread of the principles of the Red Cross and the Geneva Conventions is the obvious place where such a list may be found.*

I. Dissertations

- Secours en cas de catastrophes — Collaboration Croix-Rouge/Armée (*Ecole Militaire*).
- Activités de la Croix-Rouge internationale et des Croix-Rouges nationales au Nigéria (*Université de Paris*).

II. Essays

- La Croix-Rouge dans les conflits armés d'un caractère non-international (*Ecole Royale Militaire*).
- Aide médicale internationale et nationale aux pays en voie de développement (*Hautes Etudes Commerciales*).
- Secours en cas de désastres internationaux et nationaux (*Université Libre de Bruxelles*).
- Interventions de la Croix-Rouge lors des hostilités au Congo (*Ecole Sociale*).
- La Croix-Rouge internationale en temps de paix et en temps de guerre (*ICHEC*).

- Le statut des prisonniers de guerre (en néerlandais) (*Université de Gand*).
- Dispositif à mettre en place à l'intérieur et à l'extérieur de l'hôpital en cas de catastrophe — Les armes atomiques et leurs effets (*Institut des Hautes Etudes Hospitalières, Louvain*).
- La Croix-Rouge internationale — Interventions lors de divers conflits (*ICHEC*).
- La publicité et les institutions caritatives — Considérations théoriques, propriétés spéciales et comparaison avec la publicité en général (en néerlandais) (*Ecole de Relations Publiques*).
- Comment le service des relations publiques de la Croix-Rouge pourrait-il organiser une campagne? (*Cours Ingénieur Commercial par correspondance*).

### III. Term papers, etc.

- Le Pakistan et ses problèmes (*Etudiant — Rhétorique*).
- Rapport concernant l'Amérique Latine à propos des conclusions sur les guerres bactériologiques (*Etudiant — Rhétorique*).
- La Croix-Rouge historique — Activités actuelles (*Etudiant Rhétorique*).
- Historique de la Croix-Rouge — Statuts — Activités (*Infirmière*).
- La Croix-Rouge internationale et nationale (*Etudiante en Droit*).
- L'assistance aux détenus politiques et intervention de la Croix-Rouge au Guatemala (*Etudiante en Droit*).

### IV. Various studies

- Responsabilités des Allemands envers la population des territoires occupés pendant la seconde guerre mondiale — Revendication après la guerre basée sur la législation juridique allemande et belge (*Université Nationale du Zaïre*).
- Interventions de la Croix-Rouge internationale en faveur des Indiens d'Amazonie (*Comité belge d'aide aux Indiens de Guyane*).

## IN THE RED CROSS WORLD

- La Croix-Rouge de Belgique — Trav. de séminaire (en néerlandais) (*Secrétariat Médical — Schola Para Medicorum*).
- Le CICR (Université de Liège).

## EGYPT

In 1972, 30,000 copies of the school textbook *The Red Crescent and My Country* and 3,000 copies of the "Teacher's Manual" were officially presented to the Egyptian Red Crescent Society by an ICRC delegate stationed in the Arab Republic of Egypt. The publications were distributed in 1,480 schools, each of which received twenty copies of the school textbook and one copy of the manual for its library. The booklets are lent to pupils by Junior Red Crescent leaders, who explain the contents to them. Once the lesson is over, they are returned to the library.

In colleges and universities, a number of booklets were also distributed to local Red Crescent leaders who had attended a one-week course in Alexandria and were thus able to explain the principles of the Geneva Conventions to the young.

The National Society organized two youth camps last September, one for girls and one for boys. There, too, the school textbook was distributed to instil humanitarian principles in the young. To ensure a more effective dissemination of these principles, the Egyptian Red Crescent Society is holding a school competition based on the subjects dealt with in the textbook, and the best entries will be rewarded with money prizes.

On 20 December last, ICRC delegates, accompanied by Mr. A. Safwat, Director of the Red Crescent, visited two Cairo schools: the Oman municipal school and the private de La Salle school. They listened to a lesson on the Red Cross movement, after which the Director of the Egyptian Red Crescent Society and a delegate of the International Committee, Mr. M. Boisard, told the pupils of the work which was being done under the emblem and impetus of the Red Cross and the Red Crescent.<sup>1</sup>

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<sup>1</sup> *Plate.*

## NEPAL

The Nepal Red Cross celebrated in February 1973 the tenth anniversary of its foundation, for which the ICRC sent congratulations and expressed the earnest hope that the Society's activities which had proved so useful would continue developing. On this occasion, we would draw attention to the Society's efforts for the dissemination of the principles of the Red Cross and of the Geneva Conventions. It is active in distributing in its country the "Soldier's Manual" and the school textbook "The Red Cross and My Country", both published by the ICRC.

Of the former publication, the Ministry of Defence of the Kingdom of Nepal has expressed the wish to receive 20,000 copies in Nepalese. It has asked the National Red Cross to see to the translation, and this the Society will do with ICRC approval. Of the school textbook, the ICRC gave the National Society, last June, 20,000 copies and 3,000 of the "Teacher's Manual", following the talks which Mr. Laverrière, an ICRC delegate, had in November 1970 with the Nepal Ministry of Education and National Red Cross on the subject of disseminating knowledge of the humanitarian principles among youth. The International Committee's representative received effective support from both the Minister of Education himself and the Secretary-General of the Nepal Red Cross; both viewed very favourably the initiative taken by Geneva. As a result, the school textbook has been introduced into the primary schools, the translation into Nepalese having been done by a member of the National Society and the illustrations by a Nepalese artist.

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## M I S C E L L A N E O U S

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### **RESPECT FOR HUMAN RIGHTS IN ARMED CONFLICTS**

The General Assembly of the United Nations, which held its twenty-seventh session in New York from 19 September to 19 December 1972, again had on its agenda the question of " Respect for human rights in armed conflicts ". It had before it a report of the Secretary-General on the work of the second session of the Conference of Government Experts on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts. On the recommendation of the Sixth Committee, which was able to give only limited time to the consideration of that agenda item, the General Assembly adopted a resolution the full text of which appears below.

Under the same title, the Third Committee of the General Assembly again considered the question of the protection of journalists engaged in dangerous missions in areas of armed conflicts, which the General Assembly decided to hold over until its twenty-eighth session.

#### *RESOLUTION 3032 (XXVII)*

##### **Respect for human rights in armed conflicts**

The General Assembly,

*Conscious that only complete respect for the Charter of the United Nations and general and complete disarmament under effective international control can bring about full guarantees against armed conflicts and the suffering caused by such conflicts, and determined to continue all efforts to these ends,*

*Conscious that the development of many weapons and methods of warfare has made modern armed conflicts increasingly cruel and destructive of civilian lives and property,*



Reaffirming *the urgent need to ensure full and effective application of existing legal rules relating to armed conflicts and to supplement these rules by new ones in order to take into account the modern developments in methods and means of warfare,*

Noting with concern *that the existing legal rules and obligations relating to human rights in armed conflicts are being frequently disregarded,*

Recalling *the successive resolutions adopted by the United Nations relating to human rights in armed conflicts, in particular General Assembly resolutions 2852 (XXVI) and 2853 (XXVI) of 20 December 1971, and resolution XIII adopted by the twenty-first International Conference of the Red Cross, held at Istanbul in 1969,<sup>1</sup> concerning the reaffirmation and development of the laws and customs applicable in armed conflicts,*

Noting with appreciation *the report of the Secretary-General<sup>2</sup> on the results of the second session of the Conference of Government Experts on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, which was held at Geneva from 3 May to 3 June 1972 at the invitation of the International Committee of the Red Cross,*

Having taken cognizance *of the report prepared by the International Committee of the Red Cross on the work of the Conference of Government Experts,<sup>3</sup>*

Expressing appreciation *to the International Committee of the Red Cross for its dedicated efforts to promote the reaffirmation and development of international humanitarian law applicable in armed conflicts,*

Emphasizing *the importance of continued close collaboration between the United Nations and the International Committee of the Red Cross,*

Welcoming *the progress achieved at the second session of the Conference of Government Experts on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts,*

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<sup>1</sup> See A/7720, annex I, sect. D.

<sup>2</sup> A/8781 and Corr. 1.

<sup>3</sup> *Report on the Work of the Conference of Government Experts on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts* (Geneva, July 1972).

## MISCELLANEOUS

Noting with concern, *nevertheless, that agreement has not emerged among government experts on drafts concerning a number of fundamental issues, such as:*

*(a) Methods to ensure a better application of existing rules relating to armed conflicts,*

*(b) Definitions of military objectives and protected objects, in order to counter the tendency in armed conflicts to regard ever growing categories of objects as permissible targets for attack,*

*(c) Definitions of protected persons and combatants, responsive to the need for improved protection of civilians and of combatants in modern armed conflicts,*

*(d) The question of guerrilla warfare,*

*(e) Prohibition of use of weapons and methods of warfare which indiscriminately affect civilians and combatants,*

*(f) Prohibition or restriction of the use of specific weapons which are deemed to cause unnecessary suffering,*

*(g) Rules facilitating humanitarian relief in armed conflicts,*

*(h) Definition of those armed conflicts of a non-international character which should be subject to rules additional to those contained in the Geneva Conventions of 1949,<sup>1</sup>*

Considering that substantial progress on fundamental issues such as those enumerated above is indispensable if the efforts to supplement international humanitarian law by new rules are to become significant for the alleviation of the suffering brought by modern armed conflicts,

Welcoming the readiness of the Swiss Federal Council, as communicated to the Secretary-General, to convoke a diplomatic conference on the reaffirmation and development of international humanitarian law applicable in armed conflicts,

Believing that the further preparations for such conference as well as the organization of the conference itself must be such that substantial progress is achieved on fundamental issues which are now unresolved,

Expressing its appreciation to the International Committee of the Red Cross for undertaking a series of consultations to ensure the complete preparation for the diplomatic conference,

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<sup>1</sup> United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

1. Urges all Governments and invites the International Committee of the Red Cross to continue to seek through consultations to achieve a rapprochement in the positions of Governments to ensure that the diplomatic conference envisaged will adopt rules which mark substantial progress on fundamental legal issues connected with modern armed conflicts and which will contribute significantly in the alleviation of the suffering brought by such conflicts ;

2. Calls upon all parties to armed conflicts to observe the international humanitarian rules which are applicable, in particular the Hague Conventions of 1899 and 1907,<sup>1</sup> the Geneva Protocol of 1925<sup>2</sup> and the Geneva Conventions of 1949, and, to this end, to provide instruction concerning these rules to their armed forces and information concerning the same rules to the civilian population ;

3. Requests the Secretary-General to encourage the study and teaching of principles of respect for international humanitarian rules applicable in armed conflicts ;

4. Requests the Secretary-General to report to the General Assembly at its twenty-eighth session on relevant developments concerning human rights in armed conflicts, and to prepare, as soon as possible, a survey of existing rules of international law concerning the prohibition or restriction of use of specific weapons ;

5. Decides to include in the provisional agenda of its twenty-eighth session an item entitled " Human rights in armed conflicts: respect for human rights in armed conflicts ".

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<sup>1</sup> Carnegie Endowment for International Peace, *The Hague Conventions and Declarations of 1899 and 1907* (New York, Oxford University Press, 1915).

<sup>2</sup> League of Nations, *Treaty Series*, vol. XCIV, No. 2138.

## REFUGEES AND VIOLENCE

*This is the title which Michel Venthey, Legal Adviser to the ICRC, gave to the paper which he read to the Congress for the Study of the World Refugee Problem, in Geneva last October (see International Review, December 1972). We take pleasure in publishing his paper below:*

This theme is unfortunately a commonplace tragedy: there is a close connection between refugees and violence. The very idea of seeking refuge implies the existence of violence and indeed the dictionary definition of a refugee is someone who flees to a place of safety, especially to a foreign country, to escape danger and persecution in his own country because of his race, religion or political beliefs, or as a result of war.

After being the victim of violence, the refugee may in turn become a source of violence. History and countless events provide many examples of this cycle.

War, the acme of violence, is the most frequent cause of refugees. With the development of warfare and its legal and political context, development was inevitable in the refugee problem as was the violent counteraction it engendered.

A conflict which is conventional in form (declared war) and in its legal and political context (between States which recognize each other), like the Second World War, brings in its wake millions of refugees, and it is frequently among refugees, with backing from outside, that resistance is kindled and not infrequently develops into guerrilla warfare and irregular hostilities.

In internal conflicts taking the form of irregular hostilities, refugees might well cause the conflict to become international and to take on the nature of conventional warfare. The most recent

example of this is the Indo-Pakistani war of 1971-72 which began as a civil war in East Pakistan and gave rise to some 8 million refugees.

Contemporary events show that the conventional type of warfare where there is a definite front, as was the case in Europe during the two World Wars, with its hordes of refugees, has become the exception, giving way to warfare without a front, guerrilla warfare. Contemporary conflicts cause refugees not by the movement of armies at the front but precisely because they have no front. The fighting aims to strike the combatant through the civilian population or, to paraphrase a well-known cliché, where the guerrilla fighter lives among the population like a fish in water, to deprive the fish of its water.

In other words, people are then made refugees by being ejected, a practice which, it will be recalled, started during the Boer War when "concentration camps" were first instituted. More euphemistic phrases have been used to conceal the inhumanity of such policies involving the uprooting of hundreds of thousands, and even millions, of civilians to park them in "villages of peace", "protection villages", "hamlets of prosperity" and so forth. Such practices have been current in Kenya, Malaysia, Indochina and Algeria. In the Algerian conflict, for instance, two million Muslims were "relocated", in conditions often involving hardship, to maintain the illusion of having won them over!

When verbal subterfuge no longer suffices to conceal the tragedy of this form of warfare, or where a belligerent's military forces are unable to cope with the transfer of population on the scale they would wish, other means are used, such as shelling and bombing, "combing" operations by the infantry, the chemical destruction of forests and even of crops, and the laying of traps or mines over a wide area, to make life untenable for civilians who persist in staying put and to force them to leave their homes and seek so-called refuge. In South Vietnam and in Laos, a third of the population have become refugees. How then can they be expected to remain passive and to abstain from joining in the fighting by every means at their disposal, in a natural reflex impelled by the human dignity of people who have nothing to lose but their lives?

## MISCELLANEOUS

As Pierre Boissier said in "*L'Épée et la Balance*" (The Glaive and the Balance), today civilians are so hard hit by war that it is difficult to demand of them that impassibility which, with sound reason, used to be expected of onlookers.

This situation, in which the civilian population is the first victim and consequently sometimes a protagonist in the hostilities, both in international and internal war, in both conventional and guerrilla warfare, is deplorable.

The "escalator" can only be reversed if, in international and non-international conflicts and even in peacetime, essential human rights and legal provisions for the protection of the civilian population against hostilities are respected in all circumstances, and provided that policies and methods of warfare or government designed directly or indirectly to make people refugees are exposed. Only then can the refugees or those threatened with the possibility of becoming refugees be asked to abstain from violence.

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## BOOKS AND REVIEWS

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ALFONSO J. ALUIT: "THE CONSCIENCE OF THE NATION" <sup>1</sup>

As already mentioned in this issue, there has been a second edition of a book which describes the history and the achievements of the Red Cross in the Philippines from 1896 to 1972. We quote below a particularly significant passage in which the author affirms his confidence in the Red Cross in the Philippines. We are well aware that he bases that confidence, as do all of us, on the hope that the Red Cross spirit and action will spread over the whole world:

"The development of the Red Cross in the Philippines reflects the development of the social conscience of the Filipino. The story of the Red Cross in this country is the story of the Filipino's awakening to his responsibility to the community in which he lives, his identification of social responsibility and, finally, his acceptance of it. We might say that Filipino nationhood began when the individual Filipino became aware of his place in a social pattern, apart from the political milieu, larger than that circumscribed by his clan; when he cast aside his tribal shell to work for the advancement of the interests of the community in which he lives; when he began to conceive of his community as one that transcended the boundaries of his *barrio* or his region, and accepted social responsibility for the whole. This process is far from complete, but the Red Cross as a national organization with all the unifying force of its moral strength, has played and is playing a key role in its ultimate realization.

What is the future of the Red Cross in this country? It may be assumed that the Red Cross will continue to adapt itself to changing circumstances, seeking to meet changing public needs. What these circumstances and what these needs will be only time can tell.

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<sup>1</sup> Philippine National Red Cross Silver Jubilee Edition, Manila, 1972.

## BOOKS AND REVIEWS

The Red Cross, however, has shown its ability to meet change and challenge, and whatever time brings, the Red Cross will be there striving, searching with and for the people who seek a better world in which to live.

It is opportune to recall here the words of Albert Schweitzer, speaking on the occasion of Henry Dunant's birth anniversary, 8 May 1953: 'The Red Cross has become a greater and more powerful organization than its founder ever dared dream to be possible. It is even more than this. It represents in our troubled post-war world the clear fact which every human being is called to feel, to think and to act with that compassion and love which lie deep within his own nature, and this also applies to all nations which in themselves are associations of human beings. It vividly brings this ideal to our minds, to us who know it but are unfaithful to it. It is forever encouraging us to want a better sort of world than the one we live in. We therefore owe profound gratitude to the one who lit such a beacon in our present darkness. It is for us to see that it is not extinguished'."

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### CATHERINE MORDACQ: "POURQUOI DES INFIRMIÈRES ?" <sup>1</sup>

Last year saw the publication of a new series of books entitled "*Infirmières d'aujourd'hui*" (Nurses Today) by a French publishing house, co-directors of which are Mlle Y. Hentsch, Under-Secretary General of the League of Red Cross Societies, and Mlle C. Mordacq, Deputy Director of the *Ecole internationale d'enseignement infirmier supérieur*, Lyon. This series of books is designed to afford those engaged in nursing, teachers and students alike, the knowledge, experience and awareness that are now essential in facing the realities of nursing: psychological, psychiatric and psychosomatic problems, above all, because in medical occupations and, in particular, in hospital services, human relations have become a matter of paramount importance, as has the availability of scientific and technical information.

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<sup>1</sup> Editions du Centurion, Paris, 1972.



Following an enquiry carried out under the auspices of the *Association française d'infirmières et infirmiers diplômés d'Etat*, Mlle Mordacq has produced an excellent book in which she recalls the evolution of nursing, and hence its role in present-day medicine, hospital organization, and medical and social structures. She outlines the major problems of training, practice and living conditions in a calling to which Florence Nightingale gave powerful stimulus by enabling nurses to receive real professional training and by establishing a school for that purpose, in London in 1860.

But in a century ideas and customs undergo profound changes. To become a nurse is no easy matter, nor are a nurse's functions easy in the world today, when the nurse's field of action is continually being extended and diversified. This trend is due to the ever greater advances made in medical and hospital techniques and to a new understanding of the nurse-patient relationship. It is becoming increasingly difficult, too, to recruit nursing personnel prepared to accept responsibilities which are often very heavy owing to the novel techniques in use.

The medical and hospital world is concerned with these various questions, which are of vital importance to society as a whole. Hence the lively interest roused by a book written by a nursing instructor. It contains a useful bibliography and has the following chapters: The Past; Present Situation; Specific Function of the Nurse; New Training Prospects. In a conclusion, the author points out that, in France at least, "obstacles lie in mentalities and structures".

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PIERRE BOISSIER: "THE RED CROSS IN ACTION"<sup>1</sup>

This is the title of an opuscle, published by the Henry Dunant Institute in 1972, from the pen of the Institute's Director, Pierre Boissier. It contains a 45-minute 30-page lecture which is a new approach to the Red Cross, whose work, significance in today's

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<sup>1</sup> Henry Dunant Institute, 3 rue de Varembe, 1202 Geneva.

## BOOKS AND REVIEWS

world, structure and action in specific circumstances, it summarizes in a clear manner which will appeal to a wide public. It is available in English and French.

To describe as clearly as possible the tasks and institutions of the Red Cross, and also to stimulate the visual memory, the talk is accompanied by two slides, two diagrams which serve as a backcloth and remain on the screen throughout the lecture. These two diagrams are reproduced under the flaps of the cover of the booklet.

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### " IN THE MINDS OF MEN " <sup>1</sup>

This book is divided into three principal parts corresponding to the three main activities of Unesco. The first deals with Unesco's efforts towards international communication and co-operation, the second with its operational contribution to the economic and social development of Asia, Africa, Latin America and the Arab States, and the third with Unesco's normative action and its work in promoting conventions on human rights, international solidarity and peace.

Fifteen eminent persons from different countries have contributed to this book, and because they come from very different backgrounds—both in the geographic sense and on the level of ideas—an extra dimension is added to a collective work which makes it an invaluable tool for all those concerned with the evolution of international relations over the past twenty-five years. Opening the book is a historical account of the Organization. It contains a reference to the ideals inspiring its founders when they gave it a Constitution which lays down: " Since wars begin in the minds of men, it is in the minds of men that the defences of peace must be constructed ". Next come various articles on Unesco's work in education, science and culture.

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<sup>1</sup> Published by Unesco, Paris, 1972, 352 pp.

"All Unesco's work is born of anguish and hope", writes Jean d'Ormesson; "anguish in face of the possibility of the end of the human adventure, hope in man and the possibility, however doubtful, that he could reconcile knowledge and wisdom." He points out that at Unesco's war-shadowed beginnings in a world struggling after a conflict on an unprecedented scale, the idea of culture... was no longer a luxury but for all, a matter of life and death, and recalls Unesco's twenty-five years of work for culture: international conferences and symposia, joint cultural programmes, preparation of reference material and catalogues of works of art, campaigns to save mankind's common cultural heritage as in Nubia, translations of literary works.

The section under the heading "Normative Action of the Organization and Peace" covers Unesco's work in promoting conventions on human rights and in protecting and developing mankind's cultural heritage. Mrs. Alva Myrdal traces Unesco's work of examining the tensions which can lead to war, in furthering the new discipline of peace research and in campaigning against racism.

Peace is the keynote of the conclusion by Mr. René Maheu in the chapter "In the Service of Minds in History". He writes that it is human rights, as recognized in the Universal Declaration of 1948, which inspire all Unesco's work. All its efforts are directed to the furtherance of a civilization of universality. "Peace has no value and, strictly speaking, no reality for Unesco unless it is founded on justice, which is nothing other than human rights in action... Peace is justice acknowledged and this, we know full well, can be attained only by radical changes in the structure of societies and the organization of the world. From Unesco's point of view ... the cause of peace and the cause of progress coincide". He concludes by the affirmation that, just as action for development cannot be dissociated from the attainment of human rights, so, too, the cause of development and the cause of security are intertwined. They are two inseparable aspects of peace.

*J.-G. L.*

## **TWO ICRC PUBLICATIONS**

The ICRC, working on the preparation of the Draft Protocols which are to be submitted to the Diplomatic Conference scheduled to take place early in 1974, convened two sessions of a Conference of Government Experts, on each of which a report has been issued. These two reports, bearing the same title, may be obtained from the ICRC:

"Conference of Government Experts on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts"—First session, Geneva, 1971.

### **Report on the Work of the Conference**

Geneva, 1971: 8vo, 121 pp. . . . . Sw. fr. 15.—

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"Conference of Government Experts on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts"—Second session, Geneva, 1972.

### **Report on the Work of the Conference**

Geneva, 1972: 8vo, vol. I 209 pp.	{ Sw. fr. 25.— the 2 volumes
vol. II 116 pp.	

EXTRACT FROM THE STATUTES OF  
THE INTERNATIONAL COMMITTEE OF THE RED CROSS

(AGREED AND AMENDED ON 25 SEPTEMBER 1952)

ART. 1. — The International Committee of the Red Cross (ICRC), founded in Geneva in 1863 and formally recognized in the Geneva Conventions and by International Conferences of the Red Cross, shall be an independent organization having its own Statutes.

It shall be a constituent part of the International Red Cross.<sup>1</sup>

ART. 2. — As an association governed by Articles 60 and following of the Swiss Civil Code, the ICRC shall have legal personality.

ART. 3. — The headquarters of the ICRC shall be in Geneva.

Its emblem shall be a red cross on a white ground. Its motto shall be “*Inter arma caritas*”.

ART. 4. — The special rôle of the ICRC shall be:

- (a) to maintain the fundamental and permanent principles of the Red Cross, namely: impartiality, action independent of any racial, political, religious or economic considerations, the universality of the Red Cross and the equality of the National Red Cross Societies;
- (b) to recognize any newly established or reconstituted National Red Cross Society which fulfils the conditions for recognition in force, and to notify other National Societies of such recognition;

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<sup>1</sup> The International Red Cross comprises the National Red Cross Societies, the International Committee of the Red Cross and the League of Red Cross Societies. The term “National Red Cross Societies” includes the Red Crescent Societies and the Red Lion and Sun Society.

- (c) to undertake the tasks incumbent on it under the Geneva Conventions, to work for the faithful application of these Conventions and to take cognizance of any complaints regarding alleged breaches of the humanitarian Conventions;
- (d) to take action in its capacity as a neutral institution, especially in case of war, civil war or internal strife; to endeavour to ensure at all times that the military and civilian victims of such conflicts and of their direct results receive protection and assistance, and to serve, in humanitarian matters, as an intermediary between the parties;
- (e) to contribute, in view of such conflicts, to the preparation and development of medical personnel and medical equipment, in co-operation with the Red Cross organizations, the medical services of the armed forces, and other competent authorities;
- (f) to work for the continual improvement of humanitarian international law and for the better understanding and diffusion of the Geneva Conventions and to prepare for their possible extension;
- (g) to accept the mandates entrusted to it by the International Conferences of the Red Cross.

The ICRC may also take any humanitarian initiative which comes within its rôle as a specifically neutral and independent institution and consider any question requiring examination by such an institution.

ART. 6 (first paragraph). — The ICRC shall co-opt its members from among Swiss citizens. The number of members may not exceed twenty-five.



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- LIBYAN ARAB REPUBLIC — Libyan Red Crescent, Berka Omar Mukhtar Street, P.O. Box 541, *Benghazi*.
- LIECHTENSTEIN — Liechtenstein Red Cross, FL 9490 *Vaduz*.
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- MADAGASCAR — Red Cross Society of Madagascar, rue Clémenceau, P.O. Box 1168, *Tananarive*.
- MALAWI — Malawi Red Cross, Hall Road, *Blantyre* (P.O. Box 30080, Chichiri, *Blantyre* 3).
- MALAYSIA — Malaysian Red Cross Society, 519 Jalan Belfield, *Kuala Lumpur*.
- MALI — Mali Red Cross, B.P. 280, route de Koulikora, *Bamako*.
- MEXICO — Mexican Red Cross, Avenida Ejército Nacional n° 1032, *México* 10, D.F.
- MONACO — Red Cross of Monaco, 27 boul. de Suisse, *Monte Carlo*.
- MONGOLIA — Red Cross Society of the Mongolian People's Republic, Central Post Office, Post Box 537, *Ulan Bator*.
- MOROCCO — Moroccan Red Crescent, rue Benzakour, B.P. 189, *Rabat*.
- NEPAL — Nepal Red Cross Society, Tripureshwar, P.B. 217, *Kathmandu*.
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- NEW ZEALAND — New Zealand Red Cross, Red Cross House, 14, Hill Street, *Wellington* 1. (P.O. Box 12-140, *Wellington North*).
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- SOMALI REPUBLIC — Somali Red Crescent Society, P.O. Box 937, *Mogadishu*.
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